

VIA FACSIMILE (305) 347-4852

November 18, 2004

Juan Kuryla
Assistant Director
Seaport Department
1015 N. American Way
2nd Floor
Miami, FL 33132

**RE: REQUEST FOR ADVISORY OPINION 04-
195(Corrected)**

Dear Mr. Kuryla:

I received your request for an advisory opinion regarding whether the Seaport may accept tickets to a charitable cruise that is underwritten by Caribbean Cruise Lines. Due to the fact that the Ethics Commission is not meeting during the month of November, the Chairperson of the Ethics Commission and I reviewed this matter. Please contact me if you want this matter placed on the Ethics Commission's December agenda.

In your letter, you advised me that for several years, the Seaport has paid five thousand dollars to serve as one of the sponsors for a United Way event for Camillus House. The sponsorship is paid out of the Seaport's promotional budget. One of the benefits provided to sponsors has been a table at a gala dinner for Camillus House. The President of Carnival Cruise Lines spearheads the event. Carnival Cruise Lines is a tenant of the Seaport.

This year, Carnival Cruise Lines has offered one of its ships for an overnight cruise to

event sponsors. As a sponsor, the Seaport will receive four cabins or lodging for eight guests. The Seaport will send you, the Director and two Port customers as your guests.

The Conflict of Interest and Code of Ethics ordinance permits you and the Port Director to accept the sponsorship and use two of the four cabins. The cabins would be considered gifts to the Director and yourself. Section 2-11.1(e) (1) defines a gift as "the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form without adequate and lawful consideration." Since you and the Director are receiving the trip without lawful and adequate consideration, the cruise is a gift under the code. The code permits employees to accept gifts as long as the gift is not received in exchange for an official action that was taken or could be taken by the recipient. Therefore, you may accept the gift but you must disclose the value of the cruise as a gift.

Moreover, as long as Carnival Cruise Lines is only a tenant of the Seaport and does not provide services to the county as a vendor, the acceptance of the cruise does not violate the county's ban on acceptance of travel from vendors. Section 2-11.1(w) provides that "notwithstanding any other provision of this section, no person included in subsection (b)(1) (Mayor and commissioners), (b)(5) (departmental personnel) and (b)(6) (employees) shall accept, directly or indirectly any travel expenses including but not limited to transportation, lodging, meals, registration fees and incidentals from any county contractor, vendor, service provider, bidder or proposer. Therefore, you may accept the overnight trip from Carnival Cruise Lines as long as the company is not a vendor of Miami-Dade County.

Accordingly, the Conflict of Interest and Code of Ethics ordinance permits you and the Director to attend the overnight cruise and invite Seaport customers as your guests. However, you and the Director must report the value of the cruise as a gift on your quarterly gift disclosure form.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 350-0616 or Robert Meyers, Executive Director at (305) 579-2594.

Sincerely Yours,

ARDYTH WALKER
Staff General Counsel